



APR 18 2008

FEE TRANSMITTAL FOR FY 2008

Effective on 9/30/2007. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

TOTAL AMOUNT OF PAYMENT (\$) 510.00

If Known:

Application No. 09/898,600Filing Date 7/3/01First Named Inventor Gauba, et al.Examiner Name Peng, F.Art Unit 2623Attorney Docket No. 80398.P448

Applicant claims small entity status. See 37 CFR 1.27.

METHOD OF PAYMENT (check all that apply)
 Check Credit Card Money Order None Other (please identify)
Deposit AccountDeposit Account Number : 02-2666

Deposit Account Name: _____

The Director is Authorized to do the following with respect to the above-identified Deposit Account:

Charge fee(s) indicated below.

Charge any additional fee(s) or underpayment of fee(s) during the pendency of this application.

Charge fee(s) indicated below except for the filing fee

Credit any overpayments.

Any concurrent or future reply that requires a petition for extension of time should be treated as incorporating an appropriate petition for extension of time and all required fees should be charged.

Warning: Information on this form may become public. Credit card information should not be included on this form.
 Provide credit card information and authorization on PTO-2038.

FEE CALCULATION**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Large Entity	Small Entity	Fee Description	Fees Paid (\$)
Fee	Fee	Fee	
Code	(\$)	Code	(\$)
1011	310	2011	Utility application filing fee
1111	510	2111	Utility search fee
1311	210	2311	Utility examination fee
1012	210	2012	Design application filing fee
1112	100	2112	Design search fee
1312	130	2312	Design examination fee
1013	210	2013	Plant filing fee
1113	310	2113	Plant search fee
1313	160	2313	Plant examination fee
1004	810	2004	Reissue filing fee
1114	510	2114	Reissue search fee
1314	620	2314	Reissue examination fee
1005	210	2005	Provisional application filing fee
		SUBTOTAL (1)	\$0.00

2. EXCESS CLAIM FEES

Fee Description

<u>Large Entity</u>	<u>Small Entity</u>		
Fee Code	Fee (\$)	Fee Code	Fee (\$)
1202	50	2202	25
1201	210	2201	105
1203	370	2203	185
1204	210	2204	105
1205	50	2205	25

Fee Description

Each claim over 20
Each independent claim over 3
Multiple dependent claims, if not paid
Reissue: each claim over 20 and more than in the original patent
Reissue: each independent claim more than in the original patent

	<u>Extra Claims</u>	<u>Fee</u>	<u>Fees Paid (\$)</u>
Total Claims	— 20 or HP =	X _____	= _____
HP = highest number of total claims paid for, if greater than 20			
Independent Claims	— 3 or HP =	X _____	= _____
HP = highest number of independent claims paid for, if greater than 3			
Multiple Dependent Claims		_____	= _____
SUBTOTAL (2) \$ <u>0.00</u>			

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 C.F.R. 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

<u>Total Sheets</u>	<u>Extra Sheets</u>	<u>Number of each additonal 50 or fraction thereof</u>	<u>Fee from below</u>	<u>Fees paid (\$)</u>
_____	— 100 = _____ / 50 = _____ (round up to whole number)	X \$ _____		

<u>Large Entity</u>	<u>Small Entity</u>		
Fee Code	Fee (\$)	Fee Code	Fee (\$)
1081	260	2081	130
1082	260	2082	130
1083	260	2083	130
1084	260	2084	130

Fee Description: Application size fee for each additional group of 50 sheets beyond initial 100 sheets (count spec & drawings except sequences & program listings):

SUBTOTAL (3) \$ 0.00

FEE CALCULATION (continued)**4. OTHER FEE(S)**

<u>Large Entity</u>	<u>Small Entity</u>	<u>Fee Description</u>	<u>Fees Paid (\$)</u>
Non-English Specification, \$130 fee (no small entity discount)			
Fee Code	Fee (\$)	Fee Code (\$)	
1051	130	2051	65 Surcharge - late filing fee or oath
1052	50	2052	25 Surcharge - late provisional filing fee or cover sheet
1053	130	1053	130 Non-English specification
1812	2,520	1812	2,520 For filing a request for ex parte reexamination
1813	8,800	1813	8,800 Request for inter parties reexamination
1804	920*	1804	920* Requesting publication of SIR prior to Examiner action
1805	1,840*	1805	1,840* Requesting publication of SIR after Examiner action
1251	120	2251	60 Extension for reply within first month
1252	460	2252	230 Extension for reply within second month
1253	1,050	2253	525 Extension for reply within third month
1254	1,640	2254	820 Extension for reply within fourth month
1255	2,230	2255	1,115 Extension for reply within fifth month
1401	510	2401	255 Notice of Appeal
1402	510	2402	255 Filing a brief in support of an appeal
1403	1,030	2403	515 Request for oral hearing
1451	1,510	1451	1,510 Petition to institute a public use proceeding
1452	510	2452	255 Petition to revive - unavoidable
1453	1,540	2453	770 Petition to revive - unintentional
1501	1,440	2501	720 Utility issue fee (or reissue)
1502	820	2502	410 Design issue fee
1503	1,130	2503	565 Plant issue fee
1462	400	1462	400 Petitions to the Commissioner (CFR 1.17(f) Group I)
1463	200	1463	200 Petitions to the Commissioner (CFR 1.17(g) Group II)
1464	130	1464	130 Petitions to the Commissioner (CFR 1.17(h) Group III)
1807	50	1807	50 Processing fee under 37 CFR 1.17(q)
1806	180	1806	180 Submission of Information Disclosure Stmt
8021	40	8021	40 Recording each patent assignment per property (times number of properties)
1809	810	2809	405 For filing a submission after final rejection (see 37 CFR 1.129(a))
1814	130	2814	65 Statutory Disclaimer
1810	810	2810	405 For each additional invention to be examined (see 37 CFR 1.129(b))
1801	810	2801	405 Request for Continued Examination (RCE)
1802	900	1802	900 Request for expedited examination of a design application
1504	300	1504	300 Publication fee for early, voluntary, or normal pub.
1505	300	1505	300 Publication fee for republication
1803	130	1803	130 Request for voluntary publication or republication
1808	130	1808	130 Processing fee under 37 CFR 1.17(i) (except provisionals)
1454	1,410	1454	1,410 Acceptance of unintentionally delayed claim for priority
Other fee (specify) _____			
Other fee (specify) _____			
SUBTOTAL (4)			\$510.00
*Reduced by Basic Filing Fee Paid			
SUBMITTED BY:			
Typed or Printed Name: <u>Sheryl Sue Holloway</u>			
Signature: <u>[Signature]</u> Date: <u>APR 15, 2008</u>			
Reg. Number: <u>37,850</u> Telephone Number: <u>408-720-8300</u>			

Send to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450



Atty Docket No. 80398.P448

Patent

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of:) Examiner: Peng, Fred H.
))
 Gauba, et al.) Art Unit: 2623
))
Application No. 09/898,600) Confirmation No.: 1960
))
Filed: July 3, 2001))
))
For: Interactive Decision-Making))
Scenarios In An Audio/Video))
Broadcast))
))

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPEAL BRIEF UNDER 37 C.F.R. § 41.37

This is an appeal to the Board of Patent Appeals and Interferences from the decision of the Examiner of Group 2623, dated November 15, 2007, in which claims 1, 2, 4, 5, 7-16, 18, 19, 21-29, 31, 32, and 34-38 in the above-identified application were rejected in a final Office Action. This Appeal Brief is hereby submitted pursuant to 37 C.F.R. § 41.37(a).

I. REAL PARTY IN INTEREST

The real party in interest is the assignee of the full interest in the invention, Sony Corporation, Tokyo, Japan, and Sony Electronics Inc., Park Ridge, New Jersey, 07656, Docket No. 80398.600.

01 FC:1402

510.00 OP

II. RELATED APPEALS AND INTERFERENCES

To the best of Appellant's knowledge, there are no appeals or interferences related to the present appeal that will directly affect, be directly affected by, or have a bearing on the Board's decision in the instant appeal.

III. STATUS OF THE CLAIMS

Claims 1, 2, 4, 5, 7-16, 18, 19, 21-29, 31, 32, and 34-38 are pending in the application and were rejected in a final Office Action mailed November 15, 2007. Claims 1, 2, 4, 5, 7-16, 18, 19, 21-29, 31, 32, and 34-38 are the subject of this appeal. A copy of claims 1, 2, 4, 5, 7-16, 18, 19, 21-29, 31, 32, and 34-38 as they stand on appeal are set forth in Appendix A.

IV. STATUS OF AMENDMENTS

No amendments to the claims have been made after receipt of the final Office Action mailed on November 15, 2007.

V. SUMMARY OF CLAIMED SUBJECT MATTER

Appellant claims interactive decision making for content presentation in claims 1, 2, 4, 5, 7-16, 18, 19, 21-29, 31, 32, and 34-38. The citations to the specification are based on the application as originally filed.

Independent claim 1 claims a computerized method that generates an interactive list of content files for presentation to a user based on a profile of the user [Page 11, lines 19-22; Figure 5: 530]. The claimed method further receives a selection input command selecting a content file from the interactive list [Page 11, line 27 through page 12, line 2; Figure 5: 550], and retrieves a detailed profile of the user and content information associated with the selected content file [Page 12, lines 3-8; Figure 5: 560]. The method selects a play sequence for the selected content file based on the detailed profile and the content information [Page 12, lines 9-13; Figure 5: 570], presents the play sequence to the user [Page 12, lines 16-19; Figure 5: 575], and modifies the play sequence if further selection input is received from the user in response to presenting the play sequence [Page 12, line 27 through page 13, line 1; Figure 5: 590]. The selected content file is

claimed as comprising a plurality of content segments [Page 5, lines 14-15; Figure 2: 210-250], with each content segment having an associated segment information within the content information [Page 5, lines 15-17; Figure 2: 212-252]. The play sequence is claimed as comprising content segments linked together through the segment information [Page 5, lines 13-27].

Independent claim 12 claims an apparatus comprising a control module [Page 7, lines 13-19; Figure 3: 320] and a presentation module [Page 7, lines 19-21; Figure 3: 310]. The control module generates an interactive list of content files for presentation to a user based on a profile of the user [Page 8, lines 1-22; Figure 4: 402-407]. The control module further receives a selection input command selecting a content file from the interactive list [Page 9, lines 1-3; Figure 4: 409], and retrieves a detailed profile of a user and content information associated with a selected content file [Page 9, lines 17-18; Figure 4: 412]. The control module selects a play sequence for the selected content file based on the detailed profile and the content information [Page 9, line 29 through page 10, line 1; Figure 4: 414]. The presentation module presents the play sequence to the user [Page 10, lines 7-17; Figure 4: 415-416] and the control module modifies the play sequence if further selection input is received from the user in response to presenting the play sequence [Page 10, lines 18 through page 11, line 1; Figure 4: 471-418]. The selected content file is claimed as comprising a plurality of content segments [Page 5, lines 14-15; Figure 2: 210-250], with each content segment having an associated segment information within the content information [Page 5, lines 15-17; Figure 2: 212-252]. The play sequence is claimed as comprising content segments linked together through the segment information [Page 5, lines 13-27].

Independent claim 28 claims a computer readable medium containing executable instructions [Page 13, lines 13-16] which, when executed in a processing system, cause the system to generate an interactive list of content files for presentation to a user based on a profile of the user [Page 11, lines 19-22; Figure 5: 530]. The claimed instructions further cause the system to receive a selection input command selecting a content file from the interactive list [Page 11, line 27 through page 12, line 2; Figure 5: 550], and retrieve a detailed profile of the user and content information associated with the selected content file [Page 12, lines 3-8; Figure 5: 560]. The method causes the system to select a

play sequence of the selected content file based on the detailed profile and the content information [Page 12, lines 9-13; Figure 5: 570], present the play sequence to the user [Page 12, lines 16-19; Figure 5: 575], and modify the play sequence if further selection input is received from the user in response to presenting the play sequence [Page 12, line 27 through page 13, line 1; Figure 5: 590]. The selected content file is claimed as comprising a plurality of content segments [Page 5, lines 14-15; Figure 2: 210-250], with each content segment having an associated segment information within the content information [Page 5, lines 15-17; Figure 2: 212-252]. The play sequence is claimed as comprising content segments linked together through the segment information [Page 5, lines 13-27].

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

I. Claims 1, 2, 4, 5, 7-16, 18, 19, 21-29, 31, 32, and 34-38 stand rejected under 35 U.S.C. § 103 over Sitnik, U.S. Patent 6,160,570, in view of Lawler, U.S. Patent 5,758,259.

VII. ARGUMENTS

I. Claims 1, 2, 4, 5, 7-16, 18, 19, 21-29, 31, 32, and 34-38 are Patentable under 35 U.S.C. § 103 over the combination of Sitnik and Lawler.

Claims 1, 2, 4, 5, 7-16, 18, 19, 21-29, 31, 32, and 34-38 stand or fall together. Claim 1 is the representative claim.

Sitnik discloses creating a play sequence from video segments selected according to a single user profile. Sitnik also discloses data packets containing alternate advertising images that are sent to digital television receivers. Each packet contains information specifying which country the alternate advertising image is intended for. The digital television receiver decomposes each packet, uses the country information to select the alternate advertising image for particular country in which the television is located, and discards the rest of the packets.

Lawler discloses an interactive television system that automatically selects programs to display based on a user profile.

The Examiner asserts that Sitnik's alternate advertising packets are equivalent to Appellant's play sequence that comprises content segments linked together through segment information associated with the content segments because Sitnik "display[s] different advertisement[s] based on the country information in each ad" [Final Office Action: page 4, lines 8-11, citing column 8, lines 35-40 of Sitnik].

However, the cited section of Sitnik does not teach or suggest that the country information can be used to link either the data packets, or the alternate advertising images in the packets, together in a play sequence. The cited section is taken from a paragraph in Sitnik that describes the alternate advertising images [column 8, lines 35-52], but there is also nothing in the rest of the paragraph that teaches or suggests that the country information can be used to link the data packets or the alternate advertising images together in a play sequence. Indeed, the last sentence at lines 49-52 of column 8 states that all but one of the data packets are discarded by the receiver. Thus, only a single alternate advertising image can be shown to the user, not a play sequence of linked content segments as claimed by Appellant. Moreover, column 8, lines 35-52 of Sitnik does not teach or suggest that the country information can be used to link the alternate advertising image and the video segments together in a play sequence.

Furthermore, Sitnik as a whole does not even suggest that the video segments can be linked together in a play sequence using any information equivalent to Appellant's claimed segment information, which is contained in content information associated with the content file for the content segments. Therefore, Sitnik cannot be properly interpreted as disclosing Appellant's claimed element in which a play sequence comprises content segments linked together through segment information associated with each content segment.

Because Lawler also fails to disclose the play sequence as claimed by Appellant, the combination of Sitnik and Lawler cannot be properly interpreted as rendering obvious Appellant's invention as claimed in claim 1. Therefore, claims 1, 2, 4, 5, 7-16, 18, 19, 21-29, 31, 32, and 34-38 are patentable over the combination of Sitnik and Lawler.

VIII. CONCLUSION

Because neither Sitnik nor Lawler disclose each and every limitation of Appellant's invention as claimed in claims 1, 2, 4, 5, 7-16, 18, 19, 21-29, 31, 32, and 34-38, Appellant respectfully requests the Board reverse the rejections of the claims under 35 U.S.C. § 103, and direct the Examiner to enter a Notice of Allowance for claims 1, 2, 4, 5, 7-16, 18, 19, 21-29, 31, 32, and 34-38.

Fee for Filing a Brief in Support of Appeal

Enclosed is a check in the amount of \$510.00 to cover the fee for filing a brief in support of an appeal as required under 37 C.F.R. §§ 1.17(c) and 41.37(a).

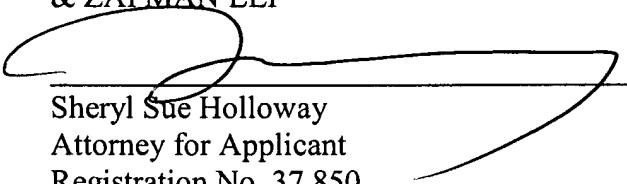
Deposit Account Authorization

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Appellant hereby requests such extension.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR
& ZAFMAN LLP

Dated: April 15, 2008


Sheryl Sue Holloway
Attorney for Applicant
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CLAIMS APPENDIX

1. (Previously presented) A computerized method comprising:

generating an interactive list of content files for presentation to a user based on a profile of said user;

receiving a selection input command selecting a content file from said interactive list;

retrieving a detailed profile of said user and content information associated with said selected content file;

selecting a play sequence of said selected content file based on said detailed profile and said content information, said selected content file comprising a plurality of content segments, each content segment having associated segment information within said content information, and wherein said play sequence comprises content segments linked together through said segment information;

presenting said play sequence to said user; and

modifying said play sequence if further selection input is received from said user in response to presenting said play sequence.

2. (Original) The method according to claim 1, further comprising:

receiving an explicit input command from said user, said explicit input command requesting a change in said play sequence of said selected content file;

selecting a modified play sequence of said selected content file based on said explicit input command; and

presenting said modified play sequence to said user.

3. (Cancelled)

4. (Original) The method according to claim 1, wherein said selected content file further comprises audio/video data.

5. (Original) The method according to claim 1, wherein said content information associated with said selected content file further comprises a description of said selected content file and news related to said selected content file.

6. (Cancelled)

7. (Previously presented) The method according to claim 1, wherein said selecting further comprises:

processing said segment information of said each content segment and said detailed profile of said user to match said segment information with said detailed profile; and

selecting a predetermined number of content segments from said plurality of content segments in a predetermined order to form said play sequence.

8. (Original) The method according to claim 2, wherein said play sequence further comprises a predetermined number of content segments of said selected content file in a predetermined order and said modified play sequence further comprises said predetermined number of content segments in a modified order requested by said explicit input command.

9. (Previously presented) The method according to claim 1, further comprising:

selecting advertising material based on said detailed profile of said user; and

presenting said advertising material to said user together with said play sequence of said selected content file.

10. (Original) The method according to claim 2, wherein said explicit input command further requests presentation of at least one advertisement to said user.

11. (Original) The method according to claim 10, further comprising:

selecting said at least one advertisement based on said explicit input command; and

presenting said at least one advertisement to said user.

12. (Previously presented) An apparatus comprising:

a control module to generate an interactive list of content files for presentation to a user based on a profile of said user, to receive a selection input command selecting a content file from said interactive list, to retrieve a detailed profile of a user and content information associated with a selected content file, and to select a play sequence of said selected content file based on said detailed profile and said content information, said selected content file comprising a plurality of content segments, each content segment having associated segment information within said content information, and wherein said play sequence comprises content segments linked together through said segment information; and

a presentation module to present said play sequence to said user, wherein said control module modifies said play sequence if further selection input is received from said user in response to presenting said play sequence.

13. (Previously presented) The apparatus according to claim 12, further comprising a storage module to store said detailed profile of said user and a plurality of content files including said selected content file.

14. (Original) The apparatus according to claim 12, wherein said control module further receives an explicit input command from said user, said explicit input command requesting a change in said play sequence of said selected content file, and further selects a modified play sequence of said selected content file based on said explicit input command.

15. (Original) The apparatus according to claim 14, wherein said presentation module further presents said modified play sequence to said user.

16. (Original) The apparatus according to claim 13, wherein said control module further retrieves said detailed profile of said user and said plurality of content files from said

storage module and selects at least one content file of said plurality of content files based on said detailed profile of said user.

17. (Cancelled)

18. (Original) The apparatus according to claim 12, wherein said selected content file further comprises audio/video data.

19. (Original) The apparatus according to claim 12, wherein said content information associated with said selected content file further comprises a description of said selected content file and news related to said selected content file.

20. (Cancelled)

21. (Previously presented) The apparatus according to claim 12, wherein said control module further processes said segment information of said each content segment and said detailed profile of said user to match said segment information with said detailed profile, and selects a predetermined number of content segments from said plurality of content segments in a predetermined order to form said play sequence.

22. (Original) The apparatus according to claim 14, wherein said play sequence further comprises a predetermined number of content segments of said selected content file in a predetermined order and said modified play sequence further comprises said predetermined number of content segments in a modified order requested by said explicit input command.

23. (Previously presented) The apparatus according to claim 12, wherein said control module further selects advertising material based on said detailed profile of said user and said presentation module further presents said advertising material to said user together with said play sequence of said selected content file.

24. (Previously presented) The apparatus according to claim 13, wherein said detailed profile of said user is stored in a profile storage area of said storage module.
25. (Original) The apparatus according to claim 13, wherein said plurality of content files is stored in a content storage area of said storage module.
26. (Original) The apparatus according to claim 14, wherein said explicit input command further requests presentation of at least one advertisement to said user.
27. (Original) The apparatus according to claim 26, wherein said control module further selects said at least one advertisement based on said explicit input command and said presentation module further presents said at least one advertisement to said user.
28. (Previously presented) A computer readable medium containing executable instructions which, when executed in a processing system, cause the system to perform a method comprising:
- generating an interactive list of content files for presentation to a user based on a profile of said user;
- receiving a selection input command selecting a content file from said interactive list;
- retrieving a detailed profile of a user and content information associated with said selected content file;
- selecting a play sequence of said selected content file based on said detailed profile and said content information, said selected content file comprising a plurality of content segments, each content segment having associated segment information within said content information, and wherein said play sequence comprises content segments linked together through said segment information;
- presenting said play sequence to said user; and
- modifying said play sequence if further selection input is received from said user in response to presenting said play sequence.

29. (Original) The computer readable medium according to claim 28, wherein the method further comprises:

receiving an explicit input command from said user, said explicit input command requesting a change in said play sequence of said selected content file;
selecting a modified play sequence of said selected content file based on said explicit input command; and
presenting said modified play sequence to said user.

30. (Cancelled)

31. (Original) The computer readable medium according to claim 28, wherein said selected content file further comprises audio/video data.

32. (Original) The computer readable medium according to claim 28, wherein said content information associated with said selected content file further comprises a description of said selected content file and news related to said selected content file.

33. (Cancelled)

34. (Previously presented) The computer readable medium according to claim 28, wherein said selecting further comprises:

processing said segment information of said each content segment and said detailed profile of said user to match said segment information with said detailed profile;
and

selecting a predetermined number of content segments from said plurality of content segments in a predetermined order to form said play sequence.

35. (Original) The computer readable medium according to claim 29, wherein said play sequence further comprises a predetermined number of content segments of said selected content file in a predetermined order and said modified play sequence further comprises

said predetermined number of content segments in a modified order requested by said explicit input command.

36. (Previously presented) The computer readable medium according to claim 28, wherein the method further comprises:

selecting advertising material based on said detailed profile of said user; and
presenting said advertising material to said user together with said play sequence of said selected content file.

37. (Original) The computer readable medium according to claim 29, wherein said explicit input command further requests presentation of at least one advertisement to said user.

38. (Original) The computer readable medium according to claim 37, wherein the method further comprises:

selecting said at least one advertisement based on said explicit input command;
and
presenting said at least one advertisement to said user.

EVIDENCE APPENDIX

None

RELATED PROCEEDINGS APPENDIX

None